

SECOND JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
2/1/2022 1:54 PM
CLERK OF THE COURT
Blair L Sandoval

RAUL TALAVERA,

Plaintiff,

v.

Cause No. D-202-CV-2022-00563

HELEN TAPIA, HOMEGOODS, INC, A
FOREIGN PROFIT CORPORATION and
WRI NORTH TOWNE, LLC, A FOREIGN
LIMITED LIABILITY COMPANY
Defendant.

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff, by and through attorney of record PARNALL LAW FIRM,
LLC (Gregory D. Abel), and states:

1. Plaintiff Raul Talavera is a resident of Bernalillo County, New Mexico.
2. Upon information and belief, Defendant Helen Tapia is resident of Bernalillo
County, New Mexico.
3. Upon information and belief, Defendant HomeGoods, Inc. is the Property doing
business in Bernalillo County, Albuquerque, New Mexico.
4. Upon information and belief, Defendant WRI North Towne, LLC is the Property
Managers for HomeGoods Inc. a resident of or doing business in Bernalillo County, Albuquerque,
New Mexico.
5. The events described in this Complaint occurred in Bernalillo County, New
Mexico.
6. Jurisdiction and venue are proper in this Court.

Count 1 – Negligence

7. On or about September 26, 2020, Plaintiff was visiting premises HomeGoods Inc. owned, managed, or occupied by Defendant WRI North Towne, LLC, located at 5901 Wyoming Blvd. NE Albuquerque, New Mexico.

8. Upon information and belief, Defendant Helen Tapia is the store manager at HomeGoods Inc. located at 5901 Wyoming Blvd. NE Albuquerque, New Mexico.

9. Defendant HomeGoods Inc, and their agents and employees had a duty and failed to exercise ordinary care to keep the premises safe for use for visitors, by failing maintain and fix cracks in the surface or maintain an unobstructed walkway, maintain a dry, smooth, level, even and unobstructed walkway.

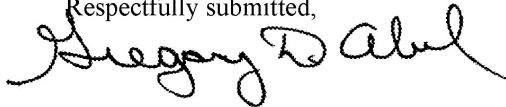
10. Defendant WRI North Towne, LLC., and their agents and employees had a duty and failed to exercise ordinary care to keep the premises safe for use for visitors, by failing maintain and fix cracks in the surface or maintain an unobstructed walkway, maintain a dry, smooth, level, even and unobstructed walkway.

11. Defendants HomeGoods Inc. and WRI North Towne, LLC. and their agents and employees had a duty and failed to make a reasonable inspection of the premises that would have revealed the dangerous condition. Specifically, Defendants, failed to maintain a level and smooth walkway and ramp causing Plaintiff to fall causing severe injury.

12. As a result, Plaintiff suffered injuries and damages including, but not limited to, physical injuries, past incurred and future medical expenses, loss of income and income opportunity, loss of household services, property damage, loss of life's enjoyment, emotional distress, and emotional and physical pain and suffering, all to Plaintiff's great loss in an amount to be proven at trial.

WHEREFORE, Plaintiff requests that this Court enter Judgment against the Defendants for compensatory damages in an amount to be proven at trial, costs incurred in the prosecution of this action, pre-judgment and post-judgment interest, and for such other and additional relief as the Court may deem proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory D. Abel". The signature is fluid and cursive, with the first name "Gregory" being more prominent than the last name "Abel".

Gregory D. Abel
PARNALL LAW FIRM, LLC
P.O. Box 8009
Albuquerque, NM 87198
(505) 268-6500; FAX (505) 268-8708
Attorneys for Plaintiff

SECOND JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
2/1/2022 1:54 PM
CLERK OF THE COURT
Blair L Sandoval

RAUL TALAVERA,

Plaintiff,

v.

Cause No. D-202-CV-2022-00563

HELEN TAPIA, HOMEGOODS, INC, A
FOREIGN PROFIT CORPORATION and
WRI NORTH TOWNE, LLC, A FOREIGN
LIMITED LIABILITY COMPANY
Defendant.

CERTIFICATE OF ARBITRATION

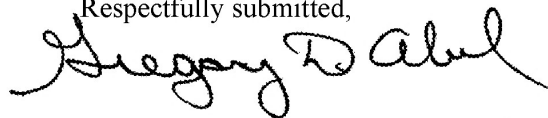
Plaintiff, by and through attorney of record PARNALL LAW FIRM, LLC (Gregory D. Abel), certifies:

This case is subject to referral to arbitration under Local Rule 2-603. No party seeks relief other than a money judgment and no party seeks an award in excess of \$25,000.00, exclusive of punitive damages, interest, costs and attorneys' fees.

XXX

This case is not subject to referral to arbitration under Local Rule 2-603 because at least one party seeks relief other than a money judgment and/or at least one party seeks an award in excess of \$25,000.00, exclusive of punitive damages, interest, costs and attorneys' fees.

Respectfully submitted,



Gregory D. Abel
PARNALL LAW FIRM, LLC
P.O. Box 8009
Albuquerque, NM 87198
(505) 268-6500; FAX (505) 268-8708

STATE OF NEW MEXICO
COUNTY OF Bernalillo
SECOND JUDICIAL DISTRICT COURT

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
3/11/2022 8:30 AM
CLERK OF THE COURT
Andrea I Gutierrez

RAUL TALAVERA,

Plaintiff,

v.

Cause No. D-202-CV-2022-00563

WRI NORTH TOWNE, LLC., HOMEGOODS,
HELEN TAPIA,

Defendants.

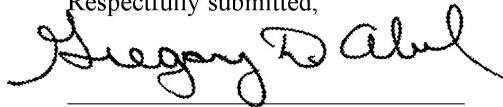
CERTIFICATE OF SERVICE OF PROCESS/PROOF OF MAILING

Parnall Law Firm, LLC (Gregory D. Abel), counsel for Plaintiff, and pursuant to N.M. Rule Civ. Pro. 1-004(L), certifies that Defendant HomeGoods Inc. was served a copy of the below documents:

- The Summons
- Complaint
- Order Requiring Completion Of Scheduling Form,
- Plaintiff's First Set Of Interrogatories to Defendant HomeGoods Inc.
- Plaintiff's First Requests For Production To Defendant HomeGoods Inc.

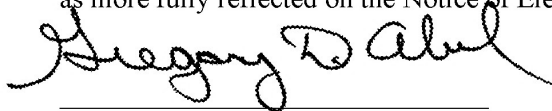
The above documents were served by U.S. Postal Service, addressed to the named Defendant HomeGoods Inc. Defendant HomeGoods Inc. or a person authorized by appointment, by law or by this rule to accept service of process upon the defendant signed a receipt for the envelope or package containing the documents on March 4, 2022. See attached Exhibit 1. Defendant HomeGoods Inc. has been sufficiently served pursuant to N.M. Rule Civ. Pro. 1-004(F)(1)(b).

Respectfully submitted,

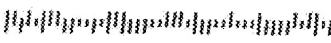


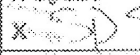
Gregory D. Abel
PARNALL LAW FIRM, LLC
P.O. Box 8009
Albuquerque, NM 87198
(505) 268-6500; FAX (505) 268-8708

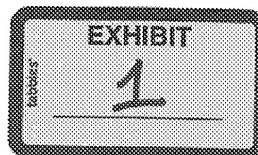
I certify that on March 11, 2022, I filed the foregoing electronically through the ECF system, which caused all parties or counsel to be served via the Court's electronic file and serve system, as more fully reflected on the Notice of Electronic Filing.

A handwritten signature in black ink, reading "Gregory D. Abel". The signature is written in a cursive, flowing style. The first name "Gregory" is written with a large, prominent "G". The last name "Abel" is written with a large, prominent "A". The signature is positioned above a horizontal line.

Gregory D. Abel

USPS TRACKING# ALBUQUERQUE NM 870 9590 9402 6793 1074 0210 31		First-Class Mail Postage & Fees Paid USPS Permit No. G-10
United States Postal Service	* Sender: Please print your name, address, and ZIP+4® in this box* Parnall Law Office PO Box 8009 Albuquerque, NM 87198	
		

SENDER, COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to: HomeGoods, Inc. c/o Registered Agent 206 S Coronado Ave Espanola, NM 87532		A. Signature X 	
2. Article Number (Transfer from service label) 7021 2720 0003 2386 3958		B. Received by (Printed Name) S D S	
3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery		C. Date of Delivery 5/5	
4. Is delivery address different from item 1? If YES, enter delivery address below:		<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input checked="" type="checkbox"/> Signature Confirmation Restricted Delivery		6. Domestic Return Receipt	



USPS Tracking®

FAQs >

Track Another Package +

Tracking Number: 70212720000323863958

Remove X

Your item was delivered to an individual at the address at 11:54 am on March 4, 2022 in ESPANOLA, NM 87532.

USPS Tracking Plus® Available ✓

✓ **Delivered, Left with Individual**

March 4, 2022 at 11:54 am
ESPANOLA, NM 87532

Feedback

Get Updates ✓

Text & Email Updates



Tracking History



March 4, 2022, 11:54 am
Delivered, Left with Individual
ESPANOLA, NM 87532

Your item was delivered to an individual at the address at 11:54 am on March 4, 2022 in ESPANOLA, NM 87532.

March 3, 2022, 6:56 pm
Departed USPS Facility
ALBUQUERQUE, NM 87101

March 2, 2022, 9:19 pm
Arrived at USPS Facility
ALBUQUERQUE, NM 87101

USPS Tracking Plus®	▼
Product Information	▼

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Can't find what you're looking for?

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FAQs

Feedback

STATE OF NEW MEXICO
COUNTY OF Bernalillo
SECOND JUDICIAL DISTRICT COURT

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
3/11/2022 8:30 AM
CLERK OF THE COURT

Andrea I Gutierrez

RAUL TALAVERA,

Plaintiff,

v.

Cause No. D-202-CV-2022-00563

WRI NORTH TOWNE, LLC., HOMEGOODS,
HELEN TAPIA,

Defendants.

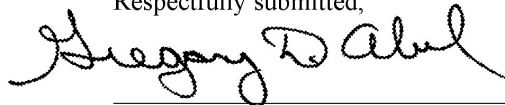
CERTIFICATE OF SERVICE OF PROCESS/PROOF OF MAILING

Parnall Law Firm, LLC (Gregory D. Abel), counsel for Plaintiff, and pursuant to N.M. Rule Civ. Pro. 1-004(L), certifies that Defendant WRI North Towne, LLC. was served a copy of the below documents:

- The Summons
- Complaint
- Order Requiring Completion Of Scheduling Form,
- Plaintiff's First Set Of Interrogatories to Defendant WRI North Towne, LLC.
- Plaintiff's First Requests For Production To Defendant WRI North Towne, LLC.

The above documents were served by U.S. Postal Service, addressed to the named Defendant WRI North Towne, LLC. Defendant WRI North Towne, LLC. or a person authorized by appointment, by law or by this rule to accept service of process upon the defendant signed a receipt for the envelope or package containing the documents on March 4, 2022. See attached Exhibit 1. Defendant WRI North Towne, LLC. has been sufficiently served pursuant to N.M. Rule Civ. Pro. 1-004(F)(1)(b).

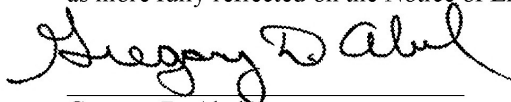
Respectfully submitted,



Gregory D. Abel
PARNALL LAW FIRM, LLC
P.O. Box 8009

Albuquerque, NM 87198
(505) 268-6500; FAX (505) 268-8708

I certify that on March 11, 2022, I filed the foregoing electronically through the ECF system, which caused all parties or counsel to be served via the Court's electronic file and serve system, as more fully reflected on the Notice of Electronic Filing.



Gregory D. Abel

USPS TRACKING#
9590 9402 6793 1074 0216 28

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box*

Parnall Law Office
PO Box 8009
Albuquerque, NM 87198

Talavera, Paul

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>WRI North Tower, LLC c/o Registered Agent Capital Document Services, Inc. 55 Old Santa Fe Trail 2nd Floor Santa Fe, NM 87501</p> <p>2. Article Number (transfer from service label) 7021 2720 0003 2386 3903</p>	<p>A. Signature <i>[Signature]</i></p> <p>B. Received by (Printed Name) L C BORGENSEN</p> <p>C. Date of Delivery 3/5/22</p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input checked="" type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Restricted Delivery</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input checked="" type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Restricted Delivery	
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<input type="checkbox"/> Collect on Delivery Restricted Delivery																	
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Restricted Delivery																	

PS Form 3811, July 2020 PSN 7530-02-000-9003

*Domestic Return Receipt

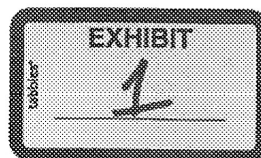


EXHIBIT C

USPS Tracking®

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Tracking Number: 70212720000323863903

[Remove X](#)

Your item was delivered to an individual at the address at 1:08 pm on March 4, 2022 in SANTA FE, NM 87501.

USPS Tracking Plus® Available ✓

✓ **Delivered, Left with Individual**

March 4, 2022 at 1:08 pm
SANTA FE, NM 87501

Feedback

Get Updates ✓

Text & Email Updates



Tracking History



March 4, 2022, 1:08 pm

Delivered, Left with Individual
SANTA FE, NM 87501

Your item was delivered to an individual at the address at 1:08 pm on March 4, 2022 in SANTA FE, NM 87501.

March 3, 2022, 3:55 pm

Departed USPS Facility
ALBUQUERQUE, NM 87101

March 2, 2022, 9:19 pm
Arrived at USPS Facility
ALBUQUERQUE, NM 87101

USPS Tracking Plus®



Product Information



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Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback

SECOND JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
3/25/2022 9:54 AM
CLERK OF THE COURT
Brittany Harris

Raul Talavera,
Plaintiff,

v.

Cause No. D-202-CV-2022-00563

Helen Tapia, HomeGoods, Inc, a foreign profit corporation and
WRI North Towne, LLC, a foreign Limited Liability Company
Defendant.

CERTIFICATE OF SERVICE OF PROCESS

Parnall Law Firm, LLC (Gregory D. Abel), counsel for Plaintiff, and pursuant to N.M.
Rule Civ. Pro. 1-004(L), certifies that Defendant Helen Tapia was served a copy of the below
documents:

- The Summons
- Complaint
- Plaintiff's First Set Of Interrogatories to Defendant Helen Tapia
- Plaintiff's First Requests For Production To Defendant Helen Tapia

The above documents were served by Garcia Process Server, addressed to the named
Defendant Helen Tapia. Defendant Helen Tapia or a person authorized by appointment, by law
or by this rule to accept service of process upon the defendant or package containing the
documents on March 15, 2022 See attached Exhibit 1. Defendant Helen Tapia has been
sufficiently served pursuant to N.M. Rule Civ. Pro. 1-004(F)(1)(b).

Respectfully submitted,



Gregory D. Abel
PARNALL LAW FIRM, LLC

P.O. Box 8009
Albuquerque, NM 87198
(505) 268-6500; FAX (505) 268-8708

I certify that on March 25, 2022, I filed the foregoing electronically through the ECF system, which caused all parties or counsel to be served via the Court's electronic file and serve system, as more fully reflected on the Notice of Electronic Filing.

A handwritten signature in black ink, reading "Gregory D. Abel". The signature is fluid and cursive, with the first name "Gregory" being the most prominent part.

Gregory D. Abel

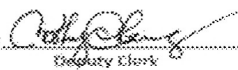
SUMMONS	
District Court: SECOND JUDICIAL Bernalillo County, NM Court Address: 400 Lomas Blvd. NW Albuquerque, NM 87102 Court Telephone No.: (505) 841-7438	Case Number: D-202-CV-2022-00563 Assigned Judge: The Honorable Victor S. Lopez
Plaintiff: RAUL TALAVERA v. Defendants: HELEN TAPIA, HOMEGOODS, INC, A FOREIGN PROFIT CORPORATION and WRI NORTH TOWNE, LLC, A FOREIGN LIMITED LIABILITY COMPANY	Defendant Name: Helen Tapia

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Courts address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at _____, New Mexico, this 21 day of April, 2022.

KATINA WATSON

SECOND JUDICIAL DISTRICT COURT
CLERK OF THE COURTBy: 
Deputy Clerk

PARNALL LAW FIRM, LLC

Gregory Abel
P.O. BOX 8009
ALBUQUERQUE, NM 87198-8009
505-268-6500/Fax No.: 505-268-8708
Email Address: Greg@ParnallLaw.com
Attorney for Plaintiff

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN¹

STATE OF NEW MEXICO)
)ss
 COUNTY OF Bernalillo)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Bernalillo county on the 15 day of March, 2022 by delivering a copy of this summons, with a copy of complaint and Plaintiff's First Set of Interrogatories to Defendant, and Plaintiff's First Set of Requests for Production to Defendant attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at _____ (insert defendant's last known mailing address) a copy of the summons and complaint.

☒ to Frances Dickinson Operations Manager the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at 5901 Wyoming (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at 5901 Wyoming (insert defendant's last known mailing address).

☐ to _____, an agent authorized to receive service of process for defendant _____.

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (used when defendant is a minor or an incompetent person).

☐ to _____ (name of person), _____ (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: \$45

Signature of person making service

Title (if any)

STATE OF NEW MEXICO
 NOTARY PUBLIC
 ALEXANDRA QUIJANO
 Commission Number 1128635
 My Commission Expires May 4, 2024

Subscribed and sworn to before me this 21 day of March, 2022

[Signature]
 Judge, notary or other officer
 authorized to administer oaths

Notary Public
 Official title

¹ Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant. 2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized. [Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013; as amended by Supreme Court Order No. 13-8300-022, effective for all cases pending or filed on or after December 31, 2013; as amended by Supreme Court Order No. 14-8300-017, effective for all cases pending or filed on or after December 31, 2014.]